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10/556,445	11/10/2005	Benjamin T. Golding	GB030077US1	1303

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EXAMINER
STRODER, CARRIE A

ART UNIT	PAPER NUMBER
3689	

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08/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/556,445	GOLDING ET AL.
Office Action Summary	Examiner	Art Unit	
	CARRIE A. STRODER	3689	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 June 2010</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4,6-11 and 13-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4, 6-11, and 13-16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication filed

on 23 June 2010, wherein:

    Claims 1-4, 6-11, and 13-16 are currently pending;

    claims 5, 12, and 17-18 are cancelled; and

    claims 1-2, 4, 6-11, and 13-16 are currently amended.

Claim Objections

1.   Claim 13 is objected to because of the following

informalities: in the last line of the claim, "product

internet" should be "product ***intranet***".   Appropriate correction

is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

    A person shall be entitled to a patent unless –

    (e) the invention was described in (1) an application for patent, published
    under section 122(b), by another filed in the United States before the
    invention by the applicant for patent or (2) a patent granted on an
    application for patent by another filed in the United States before the
    invention by the applicant for patent, except that an international
    application filed under the treaty defined in section 351(a) shall have the
    effects for purposes of this subsection of an application filed in the
    United States only if the international application designated the United
    States and was published under Article 21(2) of such treaty in the English
    language.

1.   **Claims 1-3, 9, 13, and 15-16 are rejected under 35 U.S.C.**

102(e) as being anticipated by Hunt et al. (US 6915338).

    Referring to claim 1:

Hunt discloses

providing a product intranet blueprint describing modules required for the product, wherein the modules are operable to transmit and receive wireless messages according to a product intranet, each module including description data describing capabilities of said modules, and wherein at least one module is a primary module operable to establish and co-ordinate said product intranet (col. 11, line 4 thru col. 12, line 36; "…a physical blueprint…" and "…hardware/software resources that are all interconnected via a wireless and/or wire-based communication network…" and where each computer inherently includes description data describing its capabilities, as BIOS contains that information and where it is inherent that at least one module is operable to establish and coordinate the product intranet),

selecting modules for the product including the primary module based on modules respective description data and the product intranet blueprint (col. 11, lines 46-56; "…the policy module effectively dictates when hardware/software resources should be added (or removed) to support the changing demands of the Internet service");

arranging the selected modules including said primary module in a product housing (col. 1, lines 26-44; "IDCs, which

also go by the names "Webfarms" and "server farms", typically

house hundreds to thousands of computers in climate-controlled,

physically secure buildings"); and

establishing said product intranet comprising said selected

modules and by which said product intranet at least in part

operates (col. 11, line 4 thru col. 12, line 36; "…hardware/

software resources that are all interconnected via a wireless

and/or wire-based communication network…").

Referring to claim 2:

Hunt discloses wherein said product blueprint further

includes product program code for said primary module, and

wherein said blueprint is uploaded to the primary module prior

to establishing said product intranet (col. 10, line 61 thru

col. 11, line 25; "The application provides a complete logical

representation of the service that will eventually be

implemented at the Internet data center. The application may be

stored on disk or some other form of computer-readable medium"

and "Once a logical model is created, an automatic computer-

based deployment system uses the logical model to deploy various

computer/software resources to implement the application…It then

dynamically and automatically modifies the resources used to

implement the application in an ongoing basis as the operating

parameters of the application change.").

Referring to claim 3:

Hunt discloses wherein the modules include unique
identifiers and wherein the establishing of said product
intranet comprises the primary module wirelessly exchanging a
network identifier with the identifiers of the other selected
modules to register said modules (col. 11, line 4 thru col. 12,
line 36; "…hardware/software resources that are all
interconnected via a wireless and/or wire-based communication
network…" and where use of an unique identifier, such as an IP
address is inherent in using an intranet).

Referring to claim 9:

Hunt discloses

a housing having a plurality of electronic modules each
having radio unit for transmitting and receiving wireless
messages according to a product intranet (col. 1, lines 26-44
and col. 11, line 4 thru col. 12, line 36; "IDCs, which also go
by the names "Webfarms" and "server farms", typically house
hundreds to thousands of computers in climate-controlled,
physically secure buildings" and "…hardware/software resources
that are all interconnected via a wireless and/or wire-based
communication network…" and where wireless internet inherently
uses a radio unit), and wherein at least one of the modules is a
primary module having

a memory for storing a product intranet blueprint (col. 10,
line 61 thru col. 11, line 25; "Once a logical model is created,
an automatic computer-based deployment system uses the logical
model to deploy various computer/software resources to implement
the application…It then dynamically and automatically modifies
the resources used to implement the application in an ongoing
basis as the operating parameters of the application change."
and where a computer inherently includes memory); and

a microcontroller for establishing said product intranet
according to the product intranet blueprint (col. 10, line 61
thru col. 11, line 25; "Once a logical model is created, an
automatic computer-based deployment system uses the logical
model to deploy various computer/software resources to implement
the application…It then dynamically and automatically modifies
the resources used to implement the application in an ongoing
basis as the operating parameters of the application change."
and where a computer inherently includes a microprocessor, which
is interpreted as a "microcontroller").

Further, "for transmitting and receiving wireless messages
according to a product intranet," "for storing a product
intranet blueprint" and "for establishing said product intranet
according to the product intranet blueprint" are statements of

intended use. Statements of intended use do not limit the scope
of a claim or claim limitation. See MPEP 2106.

Referring to claim 13:

Hunt discloses

radio unit for receiving a product intranet blueprint and
for transmitting and receiving wireless messages from other
electronic modules arranged in a product housing according to a
product intranet (col. 1, lines 26-44 and col. 11, line 4 thru
col. 12, line 36; "IDCs, which also go by the names "Webfarms"
and "server farms", typically house hundreds to thousands of
computers in climate-controlled, physically secure buildings"
and "…hardware/software resources that are all interconnected
via a wireless and/or wire-based communication network…" and
where wireless internet inherently uses a radio unit),

a storage memory for storing module description data and
for storing said product intranet blueprint (col. 10, line 61
thru col. 11, line 25; "Once a logical model is created, an
automatic computer-based deployment system uses the logical
model to deploy various computer/software resources to implement
the application…It then dynamically and automatically modifies
the resources used to implement the application in an ongoing
basis as the operating parameters of the application change."
and where a computer inherently includes memory),

a microcontroller for establishing said product intranet in accordance with said product intranet blueprint (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the application…It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes a microprocessor, which is interpreted as a "microcontroller").

Further, "for receiving a product intranet blueprint and for transmitting and receiving wireless messages from other electronic modules," "for storing module description data and for storing said product intranet blueprint" and "for establishing said product intranet in accordance with said product intranet blueprint" are statements of intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

Referring to claim 15:

Hunt discloses a keypad part (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the

application…It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes a keaypad).

   Referring to claim 16:

   Hunt discloses a display part (col. 10, line 61 thru col. 11, line 25; "Once a logical model is created, an automatic computer-based deployment system uses the logical model to deploy various computer/software resources to implement the application…It then dynamically and automatically modifies the resources used to implement the application in an ongoing basis as the operating parameters of the application change." and where a computer inherently includes a display).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for

establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and
    the claims at issue.
3. Resolving the level of ordinary skill in the pertinent
    art.
4. Considering objective evidence present in the
    application indicating obviousness or nonobviousness.

3. **Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Hunt et al. (US 6915338), in view of Haulin et

al. (US 20060179128).

Referring to claim 4:

Hunt discloses a method and system for making an internet

data center as set forth in claim 1. Hunt does not disclose

wherein the selected modules are arranged within a shielded area

prior to establishing said intranet to ensure only selected

modules are included in said intranet. Similarly to Hunt, Haulin

teaches managing programmable and/or reconfigurable modules.

Haulin teaches wherein the selected modules are arranged

within a shielded area prior to establishing said intranet to

ensure only selected modules are included in said intranet

(paragraph 12; "A communication node, such as an optical

transceiver, is normally placed inside an electromagnetic

shielded cabinet in order to protect the units therein from

interference with external radio signals. Such shielding

typically renders an alternative wireless access impossible, for instance by means of a radio interface." and further, *to ensure only selected modules are included in said intranet* is not a positive claim limitation and therefore, receives little patentable weight).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Hunt to incorporate arranging the selected modules within a shielded area prior to establishing said intranet to ensure only selected modules are included in said intranet as taught by Haulin because this would provide increased security, thus aiding the client by ensuring a higher level of security.

Referring to claim 8:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Hunt does not disclose wherein said product housing comprises shielding which restricts the range of the intranet to substantially within said housing. Similarly to Hunt, Haulin teaches managing programmable and/or reconfigurable modules.

Haulin teaches wherein said product housing comprises shielding which restricts the range of the intranet to substantially within said housing (paragraph 12; "A

communication node, such as an optical transceiver, is normally

placed inside an electromagnetic shielded cabinet" and where

"cabinet" is interpreted as *housing*).

It would have been obvious for a person of ordinary skill

in the art (PHOSITA) at the time of invention to modify

the system disclosed in Hunt to incorporate wherein said product

housing comprises shielding which restricts the range of the

intranet to substantially within said housing as taught by

Haulin because this would provide increased security, thus

aiding the client by ensuring a higher level of security.

4.   **Claims 6-7, 10, and 14 are rejected under 35 U.S.C. 103(a)**

as being unpatentable over Hunt et al. (US 6915338), in view of

Lau (US 6690657).

Referring to claim 6:

Hunt discloses a method and system for making an internet

data center as set forth in claim 1. Hunt does not disclose

wherein the transmit power of the modules is decreased to

restrict the range of the product intranet. Similarly to Hunt,

Lau teaches a wireless network.

Lau teaches wherein the transmit power of the modules is

decreased to restrict the range of the product intranet (col. 3,

line 60 thru col. 4, line 5; "in a localized wireless network,

lower power and shorter range can be desirable attributes, as

they decrease harmful interference with neighbors and unintended

recipients, increase security and isolation, and allow for

smaller, simpler transceiver designs.").

    It would have been obvious for a person of ordinary skill

in the art (PHOSITA) at the time of invention to modify the

teachings of Hunt to incorporate wherein the transmit power of

the modules is decreased to restrict the range of the product

intranet as taught by Lau because this would decrease

interference with other electronic products, thus aiding the

client by providing a better signal.

    Referring to claim 7:

    Hunt discloses a method and system for making an internet

data center as set forth in claim 1. Hunt does not disclose

wherein the transmit power of the modules is decreased to

restrict the range of the product intranet. Similarly to Hunt,

Lau teaches a wireless network.

    Lau teaches wherein the range of the intranet is between

one centimetre and one metre (col. 6, lines 53-67; "…path of a

few meters…" implies that the range may include up to one

meter).

    Further, the range is a design choice. It would have been

obvious to a person having ordinary skill in the art at the time

of invention to choose a range between one centimeter and one

meter when practical, so as to decrease electronic interference
with other electronic products thus aiding the client by
providing a better signal.

Referring to claim 10:

Hunt discloses a method and system for making an internet
data center as set forth in claim 1. Hunt does not disclose a
controller for controlling the power output by said transceiver
means. Similarly to Hunt, Lau teaches a wireless network.

Lau teaches a controller for controlling the power output
by said transceiver means (col. 3, line 60 thru col. 4, line 5;
"in a localized wireless network, lower power and shorter range
can be desirable attributes, as they decrease harmful
interference with neighbors and unintended recipients, increase
security and isolation, and allow for smaller, simpler
transceiver designs." implies controlling the power output).

Referring to claim 14:

Hunt discloses a method and system for making an internet
data center as set forth in claim 1. Hunt does not disclose
wherein the transmit power of the modules is decreased to
restrict the range of the product intranet. Similarly to Hunt,
Lau teaches a wireless network.

Lau teaches a controller for controlling said radio unit to
limit the range over which said intranet operates (col. 3, line

60 thru col. 4, line 5; "in a localized wireless network, lower power and shorter range can be desirable attributes, as they decrease harmful interference with neighbors and unintended recipients, increase security and isolation, and allow for smaller, simpler transceiver designs.").

5.   **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. (US 6915338), in view of Lau (US 6690657), and further in view of Feezor (US 3793484).**

Referring to claim 11:

Hunt discloses a method and system for making an internet data center as set forth in claim 1. Similarly to Hunt, Lau teaches a wireless network. Hunt and Lau do not disclose wherein said controller further comprises a programmable attenuator. Similarly to Hunt and Lau, Feezor teaches adjusting a radio signal.

Feezor teaches wherein said controller further comprises a programmable attenuator (col. 1, lines 44-59; "…programmable attenuator…").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hunt and Lau to incorporate a controller which further comprises a programmable attenuator as taught by Feezor because this would provide a manner in which to control the

power output, thereby increasing battery life and reducing
electronic interference with other electronic components, thus
providing the consumer with a longer lasting and higher quality
signal.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-4, 6-11, and
13-16 have been considered but are moot in view of the new
ground(s) of rejection.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of
rejection presented in this Office action. Accordingly, **THIS
ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is
reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

     A shortened statutory period for reply to this final action
is set to expire THREE MONTHS from the mailing date of this
action. In the event a first reply is filed within TWO MONTHS
of the mailing date of this final action and the advisory action
is not mailed until after the end of the THREE-MONTH shortened
statutory period, then the shortened statutory period will
expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated
from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to CARRIE A.

STRODER whose telephone number is (571)270-7119. The examiner

can normally be reached on Monday - Thursday 8:00 a.m. - 5:00

p.m. ET.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Jan Mooneyham can be

reached on (571)272-6805. The fax phone number for the

organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/
Examiner, Art Unit 3689

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